

OCT. 30. 2006 4:03PM

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NO. 6124 P. 1

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Client/Matter No : 061602-3175  
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### MESSAGE:

Re: U.S. Patent Application Number 09/558,378

Attached Please Find:

- 1) Request for Refund in 2 pages
- 2) Credit Card Verification dated July 6, 2006 in 1 page
- 3) Copy of Decision on Petition dated October 2, 2006 in 2 pages

Adjustment date: 11/17/2006 CKHLOK  
07/10/2006 SLUANG1 00000013 09558378  
02 FC:1253 -1020.00 DP

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Cover Page 1 of 1

DLMR\_290750.1

PAGE 1/6 \* RCVD AT 10/30/2006 7:09:30 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-2/9 \* DNS:2738300 \* CSID: \* DURATION (mm-ss):01-42

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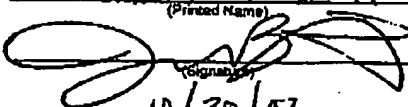
OCT 30 2006

Atty. Dkt. No. 061602-3175

2006 NOV -1 PH 3: 58

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PEDERSEN <sup>IS PATENT & TRADEMARK OFFICE</sup>  
Title: RADIO TERMINAL  
Appl. No.: 09/558,378  
Filing Date: 4/26/2000  
Examiner: Delgado, Michael A.  
Art Unit: 2144  
Confirmation Number: 9534

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that the paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Julienne P. Brutt (Printed Name)   (Signature)  10/30/06 (Date of Deposit)
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REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests a refund of \$1,020.00 for the Notice of Appeal extension fee that was charged through credit card authorization in the above-identified application. Attached is a copy of the Credit Card Verification dated July 6, 2006 for Visa Card Number 4715 6340 5237 3671 together with a copy of the authorization form as sent with the July 6, 2006 filing.

A Notice of Appeal \$500.00, Petition to Revive, and a three (3) month extension fee of \$1,020 was paid through a credit card authorization, all filed July 6, 2006. Therefore, Applicant respectfully requests that the extension fee credit of \$1,020.00 be made to Deposit Account No. 50-0872.

In view of the foregoing, it is believed that no fee is required for filing this petition, but should a fee be required, the PTO is authorized to charge an appropriate fee for the filing of this petition to Deposit Account No. 50-0872.

DLMR\_289809.1

Day : Monday  
Date: 10/30/2006

Time: 20:06:07

**PALM INTRANET****Application Number Information**

Application Number: 09/558378

Examiner Number: 79725 / DELGADO, MICHAELAssignments

Filing or 371(c) Date: 04/26/2000

Group Art Unit: 2144

IFW IMAGE

Effective Date: 04/26/2000

Class/Subclass:

709/217.000

Waiting for Response

Application Received: 04/26/2000

Lost Case: NO

Desc.

Patent Number:

Interference Number:

AP.C

Issue Date: 00/00/0000

Unmatched Petition: NO

Not of Appeal FI

Date of Abandonment: 00/00/0000

L&R Code: Secrecy Code:1

Attorney Docket Number: 367.38460X00

Third Level Review: NO

Secrecy Order: NO

Status: 120 /NOTICE OF APPEAL FILED

Status Date: 10/23/2006

Confirmation Number: 9534

Oral Hearing: NO

Title of Invention: RADIO TERMINAL

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
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Appln  
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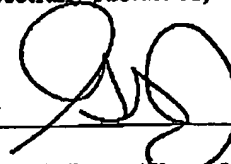
Atty. Dkt. No. 061602-3175

Respectfully submitted,

Date ~~06/28/06~~ 30, 2006

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6735  
Facsimile: (858) 792-6773

By



G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268

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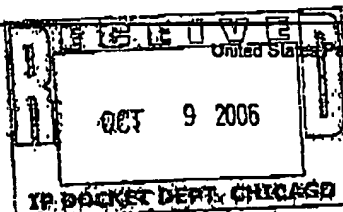
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SUITE 1800  
ARLINGTON VA 22209-3873

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OCT 02 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of  
Pedersen et al.  
Application No. 09/558,378  
Filed: April 26, 2000  
Title of Invention: Radio Terminal

APPEAL  
10/26/06  
RESPONSE DUE 11/2/06

This is a decision on the petition under 37 CFR §1.137(b), filed July 6, 2006.

This above-identified application became abandoned for failure to timely file an appeal brief and submit the accompanying fee. Applicant filed a Notice of Appeal and one month extension of time on August 22, 2005. Pursuant to 37 CFR 41.37(a) applicant was required to file an Appeal brief two months from August 22, 2005. No further extensions of time pursuant to 37 CFR 1.136 were obtained. Accordingly, this application became abandoned on October 23, 2005. A Notice of Abandonment was mailed on January 18, 2006.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby Granted.

The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 41.20(b)(2)), will be the later of the two-month period set in 37 CFR 41.37(a) or one month from the mail date of the decision on the request for Pre-Appeal Brief Review.

A three (3) month extension of time was requested. However, pursuant to 37 CFR §1.136, an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's five (5) month statutory period expired on March 23, 2006. Petitioner is ineligible for any extensions of time. Petitioner may request a refund of the \$1,020.00 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The Revocation and Power of Attorney will not be entered because the title of the

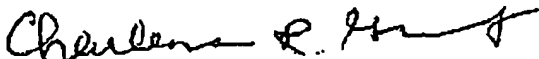
Application No. 09/558,378

Page 2

person signing the 3.73(b) statement has not been provided.

The application will be forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant  
Petitions Attorney  
Office of Petitions

cc: G. Peter Albert, Jr.  
Foley & Lardner LLP  
321 North Clark Street  
Suite 2800  
Chicago, IL 60610

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

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		8 TO BE REFUNDED BY: <u>CC</u>												
10 REASON:		<div style="border: 1px solid black; padding: 5px;"> Treasury Check  Credit Deposit A/C #:  9 <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table> </div>												
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